

From: Michael Daconta
To: Microsoft ATR
Date: 12/31/01 11:52am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to comment on the proposed settlement with Microsoft for its antitrust violations. As an IT director and developer, I was dissatisfied to see that the settlement does not address Microsoft's illegal hindrance of the Java platform. Nor, does the settlement prevent future hindrance via its C# language and .NET platform. Furthermore, it did not require Microsoft to support a JVM in its Internet Explorer Browser, whose now dominant market share was gained illegally.

Microsoft's illegal use of its OS monopoly to thwart the Java platform continues to hurt consumers by increasing the barrier to entry for Java applications on Windows. As Java is a current defacto, internet standard for running applets (java programs that run inside the browser), Microsoft must be required to ship a compliant JVM in its browser to redress its past violations and level the playing field. Additionally, to level the playing for standalone applications, Microsoft should be required to incorporate a compliant JVM into its operating system (the browser could be designed to use the same JVM).

Additionally, the proposed settlement in no way guarantees that Microsoft's abuse of Operating System APIs (using hidden APIs, or adding code in an API to thwart a competitor's product) will not occur in the future. Thus through delay in providing API documentation, or more importantly via API thrashing (changing frequently) Microsoft can continue its dominance due to its close coordination between its Operating System group and its application group. The settlement makes no effort at creating a "chinese wall" between these parts of Microsoft. The only

guaranteed way to do this would be a structural remedy. I would prefer
a
structural remedy be again considered.

I hope the settlement can be modified to address these shortcomings.

Thank you for the opportunity to comment,

- Mike Daconta

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